

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

STATON TECHIYA, LLC

v.

SAMSUNG ELECTRONICS CO., LTD., ET
AL.

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Case No. 2:21-CV-0413-JRG-RSP

**Motions Hearing
MAG. JUDGE ROY PAYNE PRESIDING
February 10, 2023**

OPEN: 9:00 am

ADJOURN: 4:28 pm

ATTORNEYS FOR PLAINTIFF:	See attached
ATTORNEY FOR DEFENDANTS:	See attached
LAW CLERK:	Morgan Dixon
COURT REPORTER:	Shawn McRoberts
COURTROOM DEPUTY:	Becky Andrews

Court opened. Case called. Jennifer Truelove announced ready and introduced co-counsel. Travis Underwood announced ready and introduced co-counsel.

Chris Granaghan argued Opposed Motion Counterclaim Defendants' Motion to Compel Materials Withheld as Privileged (Dkt. No. 187). Sean McEldowney responded. The motion was granted in part in that Defendants were ordered to produce any documents upon which they will rely, as the privilege is waived as to those documents, but the motion was otherwise denied.

Mr. McEldowney then argued Defendants' Motion to Compel Materials Withheld as Privileged (Dkt. No. 214). Justin Kimble responded for plaintiff. Mr. Granaghan also responded. The motion was granted with respect to the attorney client privilege as the Court found that the communications at issue were not made between attorney and client and not for the purpose of obtaining or rendering legal advice. The motion did not address work product protection, which was asserted by Counterclaim Defendants at the hearing. Accordingly, the parties should confer on that issue and Defendants may further raise the issue at the hearing to be set on whether Defendants can establish the predicate for the crime-fraud exception.

Greg Arovas argued Defendant's Motion to Compel Forensic Analysis of Counterclaim Defendants' Devices and Email Accounts (Dkt. No. 256). Mr. Kimble responded. The Court

granted the motion to the extent of sequestering the devices for imaging, pending a hearing to determine whether further analysis is warranted.

After the break, Mr. Arovas informed the Court of the agreement regarding the forensic expert who will image the devices.

The parties continued with Motion to Compel Discovery Regarding Samsung's Marking Defense and Counterclaims (Dkt. No. 212). Mr. Arovas argued for defendants. David DeZern argued for plaintiff. Ed Donovan argued the second half of the motion for defendants. Michael Flynn-O'Brien responded to this issue. The Court granted the motion as to discovery regarding ETRI and SPH, and plaintiffs were ordered to supplement their response to Interrogatory No. 9 regarding marking.

Mr. Flynn-O'Brien argued Plaintiff's Motion to Compel Discovery Regarding Samsung's Financial and Licensing Information (Dkt. No. 239). Mr. Donovan responded. The motion is carried for further consideration. By joint notice, the plaintiffs are to provide their least burdensome request, and the defendants are to provide their most complete offer by February 17, 2023.

Counsel were directed to meet and confer and advise the Court promptly by joint notice as to when they can be ready for the next hearing.